

AUGUSTA PLANNING COMMISSION
MEETING MINUTES
JUNE 4, 2012

THOSE PRESENT:

Bill Wright, Chairman
Gene Hunt
Lillie Williams
Rick Keuroglian
Tanya Barnhill
Jeanne Corley

Margaret Armstrong
Tanya Barnhill
Robert Cooks
Brent Weir
Y N Myers, Jr., Vice-Chairman
Hank Griffin

OTHERS PRESENT:

George Patty, Director
Paul DeCamp, Planning Director
Juriah Lewis, Transit Planner
Helen Minchew, RCBOE officio member

Lois Schmidt, Secretary
Bob Austin, Zoning Administrator
Wayne Brown, City Attorney

THOSE ABSENT:

Jay Simons
Matt Aitken, Ex-officio Augusta Commission

Commissioner Wright: The Augusta Richmond County Planning Commission is a recommending body. The final decision on all matters coming before it will be made by the Augusta, Georgia Commission on Tuesday, June 19, 2012 at 5:00 p.m., in Room 803 of the Municipal Building.

A handout describing the Zoning procedures from which these cases are decided is available upon request. These procedures also require that any opponent to an application for a rezoning action who has made a contribution aggregating \$250.00 or more to a local government official within two years of the rezoning application is required to file a disclosure report with the governing authority within five (5) calendar days prior to today's meeting.

There was no addendum to today's agenda.

1.Z-12-38 – A petition by Bluewater Engineering, on behalf of Brannen and Son Inc., requesting a Special Exception in an R-1C (One-family Residential) Zone to establish attached and detached dwellings developed in accordance with Section 13 of the Comprehensive Zoning Ordinance provided that the density of dwellings shall not exceed seven (7) units per acre per Section 11-2(a) of the Comprehensive Zoning Ordinance for Augusta Georgia affecting property containing 4.87 acres and is known under the present numbering system as 3375 and 3377 Beaver Drive. (Tax Parcel 041-2-202-00-0 and 041-2-203-01-0)

Mr. Bill Corder, Bluewater Engineering, 4210 Columbia Road, Evans, Georgia was present on behalf of the petition. Mr. Corder stated that he represents a developer that wants to renew the R-

1C zoning with the Special Exception per Section 13 of the Ordinance to construct up to 33 attached townhome units.

There was one concerned citizens present. Mr. Wayne Craven, 3374 Beaver Drive stated that he lives across the street and tried to purchase this property but the wetlands and the lack of sewer made the property almost unusable. He does not understand how 33 units could be built on property he could not even get 2 or 3 buildable lots on.

Mr. Patty explained that the proposed development will be predicated on the availability of sanitary sewer with Augusta Utilities says is possible through Tanglewood Subdivision. Mr. Patty further stated that the conditions placed on the earlier zoning case should still stand even if this petition is approved.

Mr. Craven asked how you would fill the wetlands.

Mr. Patty stated that only what fill is needed to provide sewer lines will be allowed the rest of the wetlands would remain untouched.

Mr. Craven said there would be no usable land.

Mr. Patty stated that the object of today's petition is zoning. A site plan would have to be reviewed when and if zoning is approved.

Mr. Corder stated that he talks with Augusta Utilities are ongoing to provide sewer lines. A wetlands survey was done in conjunction with the first site plan and will be redone for this new plan and he will correlate the two so that the pond and the wetlands will remain untouched. He further stated that the developer agrees to the previous conditions as they have been discussed with Staff.

Mr. Patty asked that the applicant understands the pond is not for storm water management.

Mr. Corder said yes.

Mr. Patty stated the Staff recommends approval with the following conditions:

1. public sewerage must be extended to site before any development of subdivision occurs;
2. the existing pond must remain in place;
3. no mitigation of the wetlands shall be applied for and all wetlands shall remain intact except for what is necessary to disturb to provide sewer service;
4. the pond may not be used for storm water management purposes.

A MOTION was made by Commissioner Griffin that Z-12-38 be APPROVED with the above stated conditions; seconded by Commissioner Weir. MOTION carried with Commissioners Armstrong and Cook voting against.

2. Z-12-39 – A petition by American Work Inc., on behalf of Bruce and Catherine Hitt, requesting a Special Exception to establish a Family Personal Care Home, per Section 26-1(h) of the Comprehensive Zoning Ordinance for Augusta Georgia affecting property containing approximately .68 acres and known as 4112 Big Oak Drive. (Tax Map 196-0-092-00-0)

Mr. Patrick Waters, American Works, Aiken, South Carolina was present on behalf of the petition. Mr. Waters stated that American Works assist people with mental retardation with their daily needs allowing them to live in a residential community setting. They are proposing to have a total of 4 persons living in the subject home.

There were 21 concerned citizens present. Mr. Timothy Roe, 4104 Big Oak Drive spoke on behalf of the Big Oak subdivision neighborhood association and presented a printed package to the Commission. He stated that the subdivision was started in 1980 and there are 20 homes on approximately 50 acres. The neighborhood has current restrictive covenants that prohibit a use as proposed as they state that all homes are to be “solely residential in purpose”. The residents are concerned about increased noise, traffic, wear and tear on the cul-de-sac and subdivision communal properties, parking on this residential lot, and the unknown factor of the type and temperament of the residents. Some property owners fear for the safety of their children and themselves. He further stated that attempts to reach American Works were unsuccessful so how would neighbors reach them in case there were problems. Residents feel approval of this petition would result in their property values decreasing. Mr. Roe stated that he visited another home owned and operated by Thomas Hitt at 2082 Brown Road and presented pictures of the state of the home (trash, overgrown yard etc).. Mr. Roe understands that enforcement of the covenants is a separate civil matter not before the Commission today but they ask that the Commission protect their rights by denying this petition.

Mr. Waters said this was the first he had heard of any attempt to contact them. American Works feels their clients deserve a community setting and they want to provide that while building community relations in the neighborhoods. Mr. Bruce Hitt lives on Big Oak Drive himself and would not want to see his property devalued. He understands the residents’ concerns but all people deserve a place in the community.

Commissioner Cook said during the site visit a government vehicle was parked at the property, he wondered if there were already residents in place.

Mr. Waters said no but work is being done and inspections are being conducted in order to be approved and licensed by the State.

Mr. Bruce Hitt, 4109 Big Oak Drive, understood the worry about loss of property values but he would not want that either since he lives right across from the home in question. He stated that he currently rents 2 homes to American Works with no issues or problems. He would never put others in jeopardy.

Commissioner Williams asked how long the bus/van had been at the property.

Mr. Roe stated that it had just appeared and seemed too parked in such a way as to block the sign advertising the public hearing. He also stated that the neighborhood covenants prohibit street parking which this van is in violation of further indicating the petitioner's lack of respect for the existing covenants and residents.

Mr. Patty stated the Staff recommends denial.

A MOTION was made by Commissioner Myers that Z-12-39 be DENIED; seconded by Commissioner Armstrong. MOTION carried.

3. Z-12-40 – A petition by Golmar Inc. requesting a change of zoning from Zone R-1A (One-family Residential) to Zone B-1 (Neighborhood Business) affecting property containing .47 acres and known as 236 Camilla Avenue. (Tax Map 016-0-014-00-0)

Mr. Bo Slaughter, James Swift and Associates, 420 Gin Stone Ct, Augusta was present on behalf of the petition. Mr. Slaughter stated the owner wishes to expand parking for his adjacent business onto this property. A site plan will be submitted for review if the zoning is approved.

One concerned citizen was present. Mr. Robert Ledford, 240 Camilla Avenue asked if all the trees and vegetation will be cleared.

Mr. Slaughter said the site plan will conform to the City Tree Ordinance so the trees along the property lines will be retained.

Mr. Ledford asked if the existing retention pond would be sufficient.

Mr. Slaughter said no additional will be needed.

Mr. Patty stated the Staff recommends approval.

A MOTION was made by Commissioner Keuroglian that Z-12-40 be APPROVED; seconded by Commissioner Barnhill. MOTION carried.

4. Z-12-41 – A petition by Southern Partners, on behalf of Porter Fleming, requesting a change of zoning from Zone R-1A (One-family Residential) to Zone R-1D (One-family Residential) on property containing 1.13 acres and known as 2763 Mayo Road. (Tax Map 006-0-010-00-0)

Mr. Philip Green, Southern Partners, 1233 Augusta West Parkway, Augusta was present on behalf of the petition. Mr. Green stated that the owner of this property which contains one single family home has been attempting to sell or even rent the property with no luck and is now asking to redevelop the property for 4 townhomes on a small cul-de-sac. He is hoping to sell/rent to retired or elderly persons. A concept plan was presented with the petition and was shown to the neighbors with no objections being presented.

There were no concerned citizens present.

Mr. Patty stated the Staff recommended approval.

A MOTION was made by Commissioner Weir that Z-12-41 be APPROVED; seconded by Commissioner Barnhill. MOTION carried.

5. Z-12-42 – A petition by James B. Trotter, on behalf of L. P. Mays Family Partnership, requesting a change of zoning from A (Agriculture) and B-1 (Neighborhood Business) with stipulations (Z-02-14) to Zone R-3B (Multiple-family Residential) affecting property containing 16.87 acres and is known as 1213 Augusta West Parkway. (Tax Map 030-0-056-00-0)

Commissioner Corley recused herself due to a possible conflict of interest.

Mr. James Trotter, 3527 Walton Way, Augusta was present on behalf of the petition. Mr. Trotter stated that he represents the members of the Mays family what has entered into a sales contract with 2 Capital Partners, a development firm out of Atlanta that has recently built Ainsley Place apartments in Columbia County. Mr. Trotter presented a digital presentation showing the number of buildings, their layout, front elevations and renderings of the proposed development. Mr. Trotter explained that the property is divided by a Georgia power easement and the property to the east of the easement if zoned B-1 the remainder is zoned A. The concept plan shows the buildings closest to the residential section of Hillcreek will be 2 stories in height the others will be 3 stories. They have met with the Hillcreek residents and want to accommodate them as much as possible and have tried to design the concept plan to be the least intrusive, including expanding the required setbacks and vegetative buffers where possible. There is an easement through the property adjoining the subject through Nevis Drive. The developer can use this to alleviate congestions on Augusta West Parkway or it can be blocked it so it can never be accessed. Hillcreek Drive is a private road and the developers could not access it at all. The traffic is heavy on both Augusta West Pkwy. and West Wheeler Pkwy, but the traffic study requested by the Planning Commission indicates that apartment development would generate less traffic at peak times than the approved professional park. Granted as vacant land there is no traffic but the Mays family has the right to develop or sell their land as long as it's within the rules of the City. Mr. Trotter stated that everyone agrees that saying it will be a "Class A" apartment development now does not guarantee what the future will hold but no one can predict the future of any development. The development will have high rent, many amenities and additional buffer provisions for the adjacent property owners.

There were 55 persons present that opposed this petition.

Ms. Rosalyn Floyd, 2503 Larchmont Court, Augusta spoke on behalf of the Hillcreek, Meadow at Hillcreek and Hillcreek Professional Complex associations. Ms. Floyd stated the reasons they are opposed as follows:

- Impact on the character and quality of life of Hillcreek property owners and residents.
- Safety and peacefulness of the area
- The proposed plan contradicts the existing zoning plans
- Traffic generated by 250 units at 24 hours a day will add to the existing traffic congestion which at times is a total grid lock now. The Augusta Chronicle has names Wheeler Road

as the second most heavily traveled road in the County and new development in the area will only add to the traffic congestion.

- An apartment complex will devalue the existing properties.
- Noise levels will increase
- 2 and 3 story buildings will tower over existing residential properties violating their privacy

Ms. Floyd asked that these reasons be given careful consideration and the zoning petition be denied.

Ms. Jan Holt, Bragg and Associates, property management for Nevis Homeowners Association, spoke on behalf of the 12 residents of Nevis Drive. She stated that this residential road is not equipped to handle the amount of traffic this apartment complex would generate and these townhomes have small front yards which would essentially be unusable and entering/exiting their driveways would become hazardous. She stated that the easement in question was done in 1990, Nevis was developed in 1997 and according to tax records it is a private street which the developer deeded to the residents and they maintain it and jointly pay the taxes on it. How could this easement be passed on to the Nevis residents without their knowledge or consent? If this comes to pass who will be responsible for the expenses from now on? Why can't an alternate route be found as a secondary road. There is a road around some professional businesses that could be alternate. Is it mandatory that the development have a secondary ingress/egress?

Mr. Trotter stated that the Nevis residents are correct they own the road but the Mays family still maintains this easement which was done by Mr. Mays senior with the express purpose of making sure that there would be adequate access to the subject property. The only reason it is being discussed now is if a potential second access should be required by the reviewing agencies. If increased traffic were Hillcreeks only issue they would be happier with the results of the traffic study that show an apartment complex will generate less traffic than the professional uses. This land will be developed and in the near future due to its location and value and anything built there will impact the traffic.

Ms. Brenda Smith, 307 Nevis Drive, Augusta again asked why the residents were never told about the easement.

Commissioner Cooks asked if any discussion was held on using the road around the professional offices?

Mr. Trotter said that is also a private road and the Mays property does not have an easement across it.

Chairman Wright asked for the Staff recommendation.

Mr. Patty stated that that Staff feels that the current zoning offers ample opportunity for development. The Staff recommends denial.

A MOTION was made by Commissioner Armstrong that Z-1242 be DENIED; seconded by Commissioner Myers. MOTION carried with Commissioners Weir and Griffin voting against.

6. VARIANCE - A petition by Emmett Reese Sr. requesting a variance from Section 405 (I) of the Subdivision Regulations for Augusta Georgia creating a lot that shall not have access to a public street located at 1116 A Hephzibah McBean Road. (part of Tax Map 337-0-010-22-0)

Mr. Emmett Reese Sr., 1116 A Hephzibah McBean Road, was present on behalf of the petition. He stated that he wishes to divide his property to create 2 lots for his children.

There were no concerned citizens present.

Mr. Patty stated that most of the area lots are 1 acre and approval of this split would result in two lots of similar size to others in the area. The Staff recommends approval with the condition that an access easement must be placed on the recorded plat.

Mr. Reese agreed.

A MOTION was made by Commissioner Barnhill that the Variance be APPROVED; seconded by Commissioner Armstrong. MOTION carried.

7. ZA-R-214 – A petition to amend the Comprehensive Zoning Ordinance for Augusta Georgia by amending area allowances in Section 28-B-8-B (Signs) Freestanding Signs in Professional, Commercial and Industrial Zones dealing with bonus percentages.

Mr. Patty stated the Staff recommended approval.

There were no concerned citizens present.

A MOTION was made by Commissioner Cooks that ZA-R-214 be APPROVED; seconded by Commissioner Armstrong. MOTION carried.

8. Minutes from May 7, 2012

Mr. Patty stated the Staff recommended approval.

There were no concerned citizens present.

A MOTION was made by Commissioner Keuroglian that minutes from May 7, 2012 be APPROVED; seconded by Commissioner Barnhill. MOTION carried.

9. List of Development Plans for May 2012

Mr. Patty stated the Staff recommended approval.

There were no concerned citizens present.

A MOTION was made by Commissioner Barnhill that list of Development Plans from May 2012 be APPROVED; seconded by Commissioner Weir. MOTION carried.

10. List of Site Plans for May 2012

Mr. Patty stated the Staff recommended approval.

There were no concerned citizens present.

A MOTION was made by Commissioner Cooks that Site Plans from May 2012 be APPROVED; seconded by Commissioner Armstrong. MOTION carried.

Meeting Adjourned